

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**ESHA ROBERT HILL,**

**Plaintiff,**

**v.**

**Corporal RYAN GUNN, *et al.*,**

**Defendants.**

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**CIVIL ACTION NO. 5:17-CV-340 (MTT)**

**ORDER**

United States Magistrate Judge Stephen Hyles has screened the Plaintiff's complaint (Doc. 1) in this Section 1983 case pursuant to the Prison Litigation Reform Act. Doc. 14. The Magistrate Judge ordered the Plaintiff's excessive force claims against Defendants Dupuis, Gunn, and Jackson to proceed for factual development and for those Defendants to be served. *Id.* at 1, 6-8, 11. The Magistrate Judge recommends dismissing without prejudice the Plaintiff's claims against Defendant Freeman and his retaliation claims for failure to a state a claim under which relief may be granted. *Id.* at 1, 8-9. The Plaintiff also filed a document the Magistrate Judge construed as a motion for a temporary restraining order (Doc. 13), and the Magistrate Judge recommends denying the temporary restraining order. *Id.* at 9-10.<sup>1</sup> The Plaintiff has not objected to the recommendation.

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<sup>1</sup> In addition to the reasons for denying the motion for a temporary restraining order discussed in the Recommendation (Doc. 14) and adopted in this Order, the Court notes that the Plaintiff appears to have been released from prison. See Doc. 22 (letter from the Plaintiff, reporting that he has found employment and with a return address in Warner Robins, Georgia). When a prisoner is transferred or released from a prison, the prisoner's claims for prospective remedies as to the allegedly wrongful conduct in that prison become moot. See *Wahl v. McIver*, 773 F.2d 1169, 1173 (11th Cir. 1985) ("Absent class certification, an inmate's claim for injunctive and declaratory relief in a [§] 1983 action fails to present a case or controversy once the inmate has been transferred." (citation omitted)); *Davila v. Marshall*, 649 F. App'x 977 979-80 (11th Cir. 2016) ("[A] prisoner's request for injunctive relief relating to the conditions of his

Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation (Doc. 14) is **ADOPTED** and made the order of this Court. Accordingly, the Plaintiff's claims against Defendant Freeman and his retaliation claims are **DISMISSED without prejudice**, and his motion for a temporary restraining order (Doc. 13) is **DENIED**.

**SO ORDERED**, this 10th day of April, 2018.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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confinement becomes moot when he is transferred." (citing *Spears v. Thigpen*, 846 F.2d 1327, 1328 (11th Cir. 1988)).